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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,984

10/22/2003

Michael P. Siok

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/689,984

Applicant(s)

SIOK ET AL.

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3 and 5-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11-18-05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The affidavit under 37 CFR 1.132 filed 11-18-2005 is insufficient to overcome the rejection of claims 1, 3, 5-7, and 10-17 based upon 35 U.S.C. 102(b) as being anticipated by Nishimura et al., 5913912 as set forth in the last Office action because: The affidavit fails to set forth facts. The affidavit relies on opinion evidence and lacks probative value. The opinion in the affidavit fails to recognize that Nishimura et al. discloses linking all of the information relating to the airport in his system. For example, gate information and aircraft servicing information.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 7 through 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed limitation of a first data source connected to an input/output interface of the first database and also having the second database is connected to an input/output interface of the first database is not supported by the original specification.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, and 7 through 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishimura et al., 5913912.

3. As per claims 1, and 3 through 5, Nishimura et al. disclose a first database networked with a first data source usable to obtain and store publicly available status information on the status of airport operations(12); a second database networked with a second data source usable to obtain and store airline status information of airline activities, wherein the second database(11) is networked with the first database for exchanging the publicly available status information and the shared airline status information on lines 64-67, on column 4; a first airport operations advisor module having at least one of a graphical user interface and a text based interface and usable to manage airport operations, wherein the first airport operations advisor is networked with at least the first database to receive at least one of the publicly available status information and the shared airline status information(10A), wherein the at least one of the plurality of publicly available status information and the shared airline status information is accessible by airport management and an airline; the first database includes at least publicly available status information and select airline status information that an airline chooses to share on lines 19-25, on column 5; the first database includes status information of functions particular to an airline in figure 13,

item 13; further comprising a second airport operations advisor module having at least one of a graphical user interface and a text based interface and usable to manage airline operations, wherein the second airport operations advisor is networked with the first database and the second database to receive the publicly available status information and the shared airline status information(10B); and the second airport operations advisor module is networked to the second database to obtain shared airline information and to distribute airline command directives in figure 2

4. As per claims 7 through 9, Nishimura et al. disclose a first data source that provides publicly available airport status information to a first database, wherein the first data source is connected to an input/output interface of the first database, a second data source that provides airline status information to a second database, wherein the second database is connected to an input/output interface of the first database, a memory connected to the input/output interface via the first database via a data bus for storing status information on lines 9-23, on column 12; a display connected to the input/output interface of the first database for viewing status information from the at least one of the first and the second data source by airport management and an airline(24d); an input device connected to the input/output interface for inputting user commands to the airport operations managing system based on the status information(25); and a controller connected to the input/output interface to control the movement of data within the airport operations managing system(22d); the status information received from at least one of the first data source and the second data source is routed to a data protocol translating application connected to the data bus

under the direction of the controller to be modified to a compatible format and translated status information is output to update information displayed in an active display by sending the status information to the display under the direction of the controller on lines 45-62, on column 7; and the status information is output to at least one of a database managing application and a display managing application connected to the input/output interface via a data bus, wherein at least one of the database managing application and the display managing application updates information displayed in an active display by sending the airport status information to the display under the direction of the controller on lines 45-62, on column 7.

5. As per claims 10 through 16, Nishimura et al. disclose gathering status information on at least one aircraft and an airport from at least one data source and storing the status information in a common decision support database accessible by airport management and an airline, distributing the status information to a display at an airport operations center, reviewing the status information on the display to identify current status of operations, and implementing a response based on the status information on lines 31-67, on column 4; implementing a response includes determining if an aircraft is ready for takeoff based on the status information on lines 9-27, on column 5; wherein gathering the status information comprises gathering at least one of shared status information including public status information generated by activities at an airport, and proprietary information generated by an airline and chosen to be shared on lines 5-31, on column 5; wherein gathering the shared status information comprises gathering the status of flight operations and ground services on lines 5-31, on column

31; further comprising archiving the status information to provide a historical record for identifying and implementing changes to airport operations on lines 33-38, on column 9; at least one of the gathering of status information and distributing status information is done in real-time on lines 1-22, on column 7; and instructions for gathering status information on at least one aircraft and an airport from at least one data source and storing the status information in a common decision support database accessible by airport management and an airline, instructions for distributing the status information to a display at an airport operations center, instructions for reviewing the status information on the display to identify current status of operations, and instruction for implementing a response based on the status information on line 38, on column 38, through line 12, on column 8.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura et al., 5913912, in view of Glass et al., 6278965.

8. Nishimura et al. disclose the limitations as set forth above. Nishimura et al. to not disclose a third airport operations advisor module located at an external agency having at least one of a graphical user interface and a text based interface and usable

to monitor airport operations, wherein the third airport operations advisor is networked with the first database to receive the status information at the external agency. Glass et al. teach a third airport operations advisor module located at an external agency having at least one of a graphical user interface and a text based interface and usable to monitor airport operations, wherein the third airport operations advisor is networked with the first database to receive the status information at the external agency on lines 4-8, on column 30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the external connection of Glass et al. in the invention of Nishimura et al. because such modification would allow controller to better balance the load across available runways.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura et al., 5913912.

10. Nishimura et al. disclose the publicly available status information includes aircraft location, air traffic control, flight schedules, gate assignments, and weather in figure 2, on lines 37-42, on column 8, and line 20, on column 11; and the shared airline status information is inherently information the airline chose to share, otherwise it wouldn't be in the system. Nishimura et al. does not disclose the information includes crew schedules. It would have been obvious to one of ordinary skill at the time the invention was made to include crew schedules because Nishimura et al. is interested in having a total management system that would be able to handle crisis management(line 31, column 1) and maintains the total present and future condition of an aircraft. Having crew information as part of the system would aid in crisis management.



***Response to Arguments***

11. Applicant's arguments filed 11-18-05 have been fully considered but they are not persuasive. The argument that a "flight strips management" system isn't an "airport management system" is not convincing. The applicant has not provided any reason to give "airport management system" any special meaning.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BJB

  
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